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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,423	07/02/2003	Robert A. Leathley	10541-1736	6578
29074	7590	10/20/2004	EXAMINER	
VISTEON			NEGRON, ISMAEL	
C/O BRINKS HOFER GILSON & LIONE			ART UNIT	
PO BOX 10395			PAPER NUMBER	
CHICAGO, IL 60610			2875	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,423

Applicant(s)

LEATHLEY ET AL.

Examiner

Ismael Negron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030702.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**86**" has been used to designate both "*boss*" (paragraph 0017, line 2) and "*threaded boss*" (paragraph 0017, line 8).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g). Correction is required.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **94** (paragraph 008, line 2).

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to remove the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

Claim Objections

4. Claim 15 is objected to because of the following informalities: it recites the limitation "*said open end*" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claim is referring back to the previously recited "*an open*" (Claim 14, line 2). However, appropriate correction is required to place the claims in proper form for allowance.

The Applicant is advised that the Examiner assumed that Claim 15 was intended to be dependent on Claim 14, and not Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 7-10, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by IIJIMA (U.S. Pat. 5,573,326).

IIJIMA discloses a vehicle headlamp having:

- a housing (as recited in Claim 1), Figure 1, reference number 11;
- the housing having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;
- the top, bottom and rear wall defining a housing cavity within the housing (as recited in Claim 1), column 3, lines 41-45;
- a reflector (as recited in Claim 1), Figure 1, reference number 14;
- the reflector being located within the housing cavity (as recited in Claim 1), column 3, 45 and 46;
- the reflector having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;
- the top, bottom and rear wall defining a reflector cavity within the reflector (as recited in Claim 1), inherent;
- the reflector being connected to the housing by a pivot (as recited in Claim 1), Figure 1, reference number 16;

- **the reflector being rotatable and vertically adjustable about a pivot axis (as recited in Claim 1), column 3, lines 45-50;**
- **a vertical adjuster mechanism (as recited in Claim 1), Figure 1, reference number 15;**
- **the vertical adjuster mechanism including an adjustment member (as recited in Claim 1), Figure 1, reference number 18;**
- **the adjustment member having a first end (as recited in Claim 1), Figure 1, reference number 18b;**
- **the first end being accessible from outside the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member having a second end (as recited in Claim 1), Figure 1, reference number 18a;**
- **the second end being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member being coupled to the housing and movable between advanced and retracted positions (as recited in Claim 1), as see in Figure 1;**
- **the adjuster mechanism including portions defining a channel (as recited in Claim 1) Figure 1, reference number 14b;**
- **the channel being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**

- **the portions being fixedly connected to the reflector (as recited in Claim 1), as seen in Figure 1;**
- **the second end being received within the channel for relative movement therein (as recited in Claim 1), as seen in Figure 1;**
- **the pivot being a ball-and-socket joint (as recited in Claim 2),**
column 4, lines 1 and 2;
- **the reflector being connected by two pivots to the housing (as recited in Claim 4), inherent;**
- **the two pivots defining the pivot axis (as recited in Claim 4),**
inherent;
- **the adjustment member including a threaded portion**
threadably engaged with the housing (as recited in Claim 7), as
seen in Figure 1;
- **the threaded portion being located between the first and**
second ends (as recited in Claim 8), as seen in Figure 1;
- **the second end of the adjustment member including a head**
(as recited in Claim 9), Figure 1, reference number 17;
- **the head being received in the channel (as recited in Claim 9),**
column 4, lines 5 and 6;
- **the head being a ball-shaped head (as recited in Claim 10),**
column 4, line 5;

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- **the portions defining an adjustment clip mounted to the reflector (as recited in Claim 13), as seen in Figure 1;**
- **the adjustment member extending through a bore in the housing (as recited in Claim 16), Figure 1, reference number 11d;**
- **the bore having a first diameter (as recited in Claim 16), inherent;**
- **the second end defining a second diameter (as recited in Claim 16), inherent; and**
- **the second diameter being less than the first diameter (as recited in Claim 16), as seen in Figure 1.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over IIJIMA (U.S. Pat. 5,573,326).

IIJIMA discloses a vehicle headlamp having:

- **a housing (as recited in Claim 1), Figure 1, reference number 11;**

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- **the housing having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;**
- **the top, bottom and rear wall defining a housing cavity within the housing (as recited in Claim 1), column 3, lines 41-45;**
- **a reflector (as recited in Claim 1), Figure 1, reference number 14;**
- **the reflector being located within the housing cavity (as recited in Claim 1), column 3, 45 and 46;**
- **the reflector having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;**
- **the top, bottom and rear wall defining a reflector cavity within the reflector (as recited in Claim 1), inherent;**
- **the reflector being connected to the housing by a pivot (as recited in Claim 1), Figure 1, reference number 16;**
- **the reflector being rotatable and vertically adjustable about a pivot axis (as recited in Claim 1), column 3, lines 45-50;**
- **a vertical adjuster mechanism (as recited in Claim 1), Figure 1, reference number 15;**
- **the vertical adjuster mechanism including an adjustment member (as recited in Claim 1), Figure 1, reference number 18;**
- **the adjustment member having a first end (as recited in Claim 1), Figure 1, reference number 18b;**

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- **the first end being accessible from outside the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member having a second end (as recited in Claim 1), Figure 1, reference number 18a;**
- **the second end being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member being coupled to the housing and movable between advanced and retracted positions (as recited in Claim 1), as see in Figure 1;**
- **the adjuster mechanism including portions defining a channel (as recited in Claim 1) Figure 1, reference number 14b;**
- **the channel being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the portions being fixedly connected to the reflector (as recited in Claim 1), as seen in Figure 1;**
- **the second end being received within the channel for relative movement therein (as recited in Claim 1), as seen in Figure 1;**
- **the pivot being a ball-and-socket joint (as recited in Claim 2), column 4, lines 1 and 2;**
- **the pivot including a socket portion (as recited in Claim 3), Figure 1, reference number 11f;**

- **the pivot also including a ball portion (as recited in Claim 3),**
Figure 1, reference number 16a;
- **the socket portion being connected to the housing,** column 3,
lines 51 and 52;
- **the ball portion being connected to the reflector,** column 4, lines
1-5; and
- **the pivot being adjacent to the top wall of the reflector,** as seen
in Figure 1.

IJJIMA discloses all the limitations of the claims, except the socket portion of the pivot being connected to the reflector while the ball portion is connected to the housing (as recited in Claim 3); and the pivot being adjacent to the bottom wall of the reflector (as recited in Claims 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the arrangement of the patented ball-and-socket structure, or the pivot/adjustment member, since it has been held by the courts that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over IJJIMA (U.S. Pat. 5,573,326).

IJJIMA discloses a vehicle headlamp having:

- **a housing (as recited in Claim 1),** Figure 1, reference number 11;

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- **the housing having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;**
- **the top, bottom and rear wall defining a housing cavity within the housing (as recited in Claim 1), column 3, lines 41-45;**
- **a reflector (as recited in Claim 1), Figure 1, reference number 14;**
- **the reflector being located within the housing cavity (as recited in Claim 1), column 3, 45 and 46;**
- **the reflector having a top wall, a bottom wall, a rear wall and an open front (as recited in Claim 1), as seen in Figure 1;**
- **the top, bottom and rear wall defining a reflector cavity within the reflector (as recited in Claim 1), inherent;**
- **the reflector being connected to the housing by a pivot (as recited in Claim 1), Figure 1, reference number 16;**
- **the reflector being rotatable and vertically adjustable about a pivot axis (as recited in Claim 1), column 3, lines 45-50;**
- **a vertical adjuster mechanism (as recited in Claim 1), Figure 1, reference number 15;**
- **the vertical adjuster mechanism including an adjustment member (as recited in Claim 1), Figure 1, reference number 18;**
- **the adjustment member having a first end (as recited in Claim 1), Figure 1, reference number 18b;**

- **the first end being accessible from outside the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member having a second end (as recited in Claim 1), Figure 1, reference number 18a;**
- **the second end being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member being coupled to the housing and movable between advanced and retracted positions (as recited in Claim 1), as see in Figure 1;**
- **the adjuster mechanism including portions defining a channel (as recited in Claim 1) Figure 1, reference number 14b;**
- **the channel being located within the housing cavity (as recited in Claim 1), as seen in Figure 1;**
- **the portions being fixedly connected to the reflector (as recited in Claim 1), as seen in Figure 1;**
- **the second end being received within the channel for relative movement therein (as recited in Claim 1), as seen in Figure 1;**
- **the adjustment member extending through the rear wall of the housing, as seen in Figure 1; and**
- **the adjustment member being positioned substantially to the pivot, as seen in Figure 1.**

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IJJIMA discloses all the limitations of the claims, except the adjustment member extending through a top wall of the housing (as recited in Claim 5); and the adjustment member being obliquely positioned relative to the pivot (as recited in Claims 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to arranged the adjustment member as claimed, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Relevant Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura (U.S. Pat. 4,843,523), **Mochizuki** (U.S. Pat. 5,065,293), **Suzuki et al.** (U.S. Pat. 5,067,052) and **Chikada et al.** (U.S. Pat. 5,446,630) disclose adjuster mechanisms for vehicle headlamps, such mechanisms having threaded adjusting members and ball-and-socket joints.

Allowable Subject Matter

9. Claims 11, 12, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches vehicle headlamps having a reflector supported within a housing by a pivot and a vertical adjuster mechanism. The adjuster mechanism includes an adjustment member having first and second ends, the second end being received within an arc-shaped channel. The channel includes an open end opened in a direction toward the top wall of the housing.

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



JOHN ANTHONY WARD
PRIMARY EXAMINER



Inr

October 12, 2004